

**IN THE UNITED STATES DISTRICT COURT
OF THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

DAVID PORTERFIELD

V.

DR. JOHN B. DIETZE

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No. 5:21CV29-JRG-CMC

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. On April 23, 2021, the Magistrate Judge issued a Report and Recommendation, *sua sponte* recommending Plaintiff's above-entitled and numbered cause of action be dismissed without prejudice. No objections to the Report and Recommendation have been filed.¹

The Court has carefully reviewed the Report and Recommendation and agrees with the Magistrate Judge Plaintiff's case should be dismissed under Federal Rule of Civil Procedure 41(b) for failure to comply with Court March 9, 2021 Order. The Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby **ORDERED** that Plaintiff's above-entitled and numbered cause of action is **DISMISSED WITHOUT PREJUDICE**.

So ORDERED and SIGNED this 18th day of May, 2021.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

¹ On April 29, 2021, Plaintiff David Porterfield ("Plaintiff"), proceeding *pro se*, acknowledged receipt of the Report and Recommendation.